

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

FIRST STUDENT, INC.

and

Case 08-CA-113513

OHIO EDUCATION ASSOCIATION

ORDER¹

The Employer's motions to revoke subpoena ad testificandum A-952227, issued to Todd Silverhorn;² subpoena ad testificandum A-952228, issued to Scott Turney; and subpoena duces tecum B-714538, issued to the Custodian of Records for the Employer, are denied. The subpoenas seek information relevant to the matters under investigation and describe with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Employer has failed to establish any other legal basis for revoking the subpoenas.³ See generally, *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., February 6, 2014.

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

NANCY SCHIFFER, MEMBER

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² In its Motion to Revoke, the Employer mistakenly refers to the subpoena ad testificandum issued to Mr. Silverhorn as A-952228.

³ To the extent that the Employer has provided some of the requested material, it is not required to produce that information again, provided that the Employer accurately describes which documents under subpoena it has already provided, states whether those previously-supplied documents constitute all of the requested documents, and provides all of the information that was subpoenaed.